

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VIRGIN RECORDS INC., et al., )  
 )  
Plaintiff(s), )  
 )  
v. )  
 )  
JOHN DOE, )  
 )  
Defendant(s). )  
\_\_\_\_\_ )

No. C 06-5391 BZ

**ORDER DENYING WITHOUT  
PREJUDICE PLAINTIFFS' MOTION  
FOR LEAVE TO TAKE IMMEDIATE  
DISCOVERY**

Before me is plaintiffs' motion for leave to take immediate discovery. In support of their motion, plaintiffs have submitted the declaration of Jonathan Whitehead, Senior Vice President of Online Copyright Protection for the Recording Industry Association of America, Inc. ("RIAA"). In light of the privacy interests implicated, Mr. Whitehead's declaration is insufficient to justify granting plaintiffs' motion. For example, nowhere in his declaration does he state the basis for his personal knowledge. Furthermore, the "screen shots" attached as Exhibit 1 to his declaration establish only that the user, Babygurl19@KaZaA, might be infringing plaintiffs' copyrights. Missing is any link

1 between the username on the screen shots and the IP address  
2 listed in Exhibit A to the complaint, which is an unsworn  
3 document. **IT IS THEREFORE ORDERED** that plaintiffs' motion for  
4 leave to take immediate discovery is **DENIED without prejudice**  
5 to being re-newed should plaintiffs submit a sufficient  
6 supplemental declaration.

7 Dated: September 26, 2006



8  
9 Bernard Zimmerman  
United States Magistrate Judge

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